Inter-State River Water Disputes (Amendment) Bill, 2019

Why in news?

- The Inter-State River Water Disputes (Amendment) Bill, 2019 was recently introduced in the Lok Sabha.
- The Bill amends the Inter-State River Water Disputes Act, 1956.

What did the Act provide for?

- The Act provides for the adjudication of disputes relating to waters of inter-state rivers and river valleys.
- Under the Act, a state government may request the central government to refer an inter-state river dispute to a Tribunal for adjudication.
- If the central government is of the opinion that it cannot be settled through negotiations, it sets up a Water Disputes Tribunal within a year of receiving such a complaint.

How effective were the tribunals?

- Under the 1956 Act, 9 tribunals have so far been set up. Only 4 of them have given their awards.
- One of these disputes, over Cauvery waters between Karnataka and Tamil Nadu, took 28 years to settle.
- The Ravi and Beas Waters Tribunal was set up in 1986 and it is still to give the final award.
- The minimum a tribunal has taken to settle a dispute is 7 years (by the first Krishna Water Disputes Tribunal in 1976).
- The multiplicity of tribunals has led to an increase in bureaucracy, delays, and possible duplication of work.

What does the Bill aim for?

- The Bill seeks to replace the above mechanism.
- The main purpose of the Bill is to make the process of dispute settlement more efficient and effective.
- The Bill proposes to set up a permanent tribunal to adjudicate on all inter-state disputes over sharing of river waters.
- The replacement of five existing tribunals with a permanent tribunal is likely to result in a 25% reduction in staff strength and a saving of Rs 4.27 crore.
What is the proposed dispute resolution committee?

- Under the Bill, a state will put in a request regarding any water dispute to the central government.
- The central government will then set up a Disputes Resolution Committee (DRC) to resolve the dispute amicably.
- **Composition** - The DRC will comprise of a Chairperson, and experts with at least 15 years of experience in relevant sectors.
- These will be nominated by the central government.
- It will also comprise one member from each state (at Joint Secretary level), which is a party to the dispute.
- These members will be nominated by the concerned state government.
- **Resolution** - The DRC will seek to resolve the dispute through negotiations, within one year (extendable by 6 months).
- It will then submit its report to the central government.
- If a dispute cannot be settled by the DRC, the central government will refer it to the Inter-State River Water Disputes Tribunal.
- Such referral must be made within 3 months from the receipt of the report from the DRC.
- So, now, the current system of dispute resolution would give way to a new two-tier approach with DRC and the tribunal.

What are the key provisions on Tribunal?

- The central government will set up an Inter-State River Water Disputes Tribunal, for the adjudication of all water disputes.
- This Tribunal can have multiple benches.
- All five existing tribunals under the 1956 Act would be dissolved.
- Also, the water disputes pending adjudication before such existing Tribunals will be transferred to the new Tribunal.
- **Composition** - The Tribunal will consist of a Chairperson, Vice-Chairperson, 3 judicial members, and 3 expert members.
- They will be appointed by the central government on the recommendation of a Selection Committee.
- Each Tribunal Bench will consist of a Chairperson or Vice-Chairperson, a judicial member, and an expert member.
- The central government may also appoint two experts serving in the Central Water Engineering Service as assessors to advise the Bench in its proceedings.
- The assessor should not be from the state which is a party to the dispute.
- **Time-frames** - Under the Act, the Tribunal must give its decision within 3
years, which may be extended by 2 years.

- Under the Bill, the proposed Tribunal must give its decision on the dispute within 2 years, which may be extended by another year.
- Under the Act, the matter may again be referred to the Tribunal by a state for further consideration.
- In such case, the Tribunal was to submit its report to the central government within a period of one year.
- This period can be extended by the central government.
- Under the Bill, this provision is amended, specifying that such extension may be up to a maximum of 6 months.
- So now, all disputes would have to be resolved within a maximum of four-and-a-half years.

**Decision of the Tribunal** - Under the Act, the decision of the Tribunal must be published by the central government in the official gazette. This decision has the same force as that of an order of the Supreme Court. There is no provision for appeal.

[However, the Supreme Court, on Cauvery dispute, had said the decision of the tribunal could be challenged before it through a Special Leave Petition under Article 136 of the Constitution.]

- The Bill removes the requirement of such publication.
- It adds that the decision of the Bench of the Tribunal will be final and binding on the parties involved in the dispute.
- The Act provided that the central government ‘may’ make a scheme to give effect to the decision of the Tribunal.
- The Bill is making it mandatory for the central government to make such scheme.

**Data bank** - Under the Act, the central government maintains a data bank and information system at the national level for each river basin.

- The Bill provides that the central government will appoint or authorise an agency to maintain such data bank.

*Source: PRS India, Indian Express*